

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN P. HILL, Sr., #223781,

Plaintiff,

Case No. 08-cv-13852

v.

Hon. George Caram Steeh

K. GREEN, et al.,

Defendants.

/

ORDER DENYING PLAINTIFF'S REQUEST TO HALT PROCEEDINGS (#35) AND
ALLOWING PLAINTIFF TO FILE A MOTION FOR RECONSIDERATION

On March 19, 2010, Plaintiff Steven P. Hill requested that this court "halt" this case. Hill claims he did not receive timely notification of the magistrate's August 4, 2009 report and recommendation regarding the defendants' initial motion for summary judgment (#25). Thus, he was unable to raise objections to the report and recommendation. Absent plaintiff's objections, the court ruled on the report and recommendation and issued its August 25, 2009 order accepting its findings (#27). Plaintiff now asks this court to stop the proceedings in this case or, in the alternative, give plaintiff an opportunity to respond and object to the August 4, 2004 report and recommendation.

The relief requested by plaintiff is extraordinary and has no basis in law. Notably, plaintiff's letter fails to allege any problems with the receipt of this court's August 25, 2009 order. One must presume that he received the August 25, 2009 order. At that time, it should have been clear to plaintiff that the order was based on the findings of the magistrate's report and recommendation. Plaintiff, however, failed to raise his current

concerns until February 9, 2010 and most recently, March 19, 2010 in his letter to this court. Giving plaintiff the most generous benefit of the doubt, his request is untimely and outside the Federal Rules of Civil Procedure and the rules of this court..

Nonetheless, if plaintiff claims that the court committed a palpable error in law or in fact in its ruling, he may within ten days of receipt of this order, file a motion for reconsideration, pursuant to Fed. R. Civ. P. 60(b); see also E.D. Mich. L.R. 59.1. The court hereby DENIES plaintiff's request to halt proceedings.

SO ORDERED.

Dated: April 19, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 19, 2010, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk